IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.829 OF 2007

Vikas Ramesh Jadhav ..Applicant

Vs.

State of Maharashtra ..Respondents

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Mr.S.V.Katkade i/b V.Nirmala counsel for applicant
Mr.K.V.Saste, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : MARCH 22, 2007

P.C.

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.R.No. 213 of 2006 of Tardeo Police Station, Mumbai. The said case is under Section 307 of IPC.

3. It is the case of the prosecution that the applicant assaulted Murugan with knife on the chest, in the abdomen and other parts of body.

These injuries were caused on the body of Murugan. The injured person raised shouts, whereupon the complainant reached the spot. The applicant came to be caught red handed on the spot with blood stained shirt. The following injuries were found on the deceased Murugan:

. 1. stab wound at left lower chest;
2. stab wound at left hypochondrium;
3. stab wound at lower abdomen;
4. stab wound at left posterior abdominal wall;
5. stab wound at left hand through and through below 2nd rib space"

4. The learned counsel for the applicant has submitted that though the incident had occurred at about 8.30 a.m. to 8.35 a.m., however, entry in the diary is made only at 12.40 p.m. He has also pointed out that though the applicant was caught on the spot and the blood stained knife and shirt were seized from him, the panchnamas relating thereto were recorded at 12.40 p.m. and 2.30 p.m. It is true that panchnamas were recorded at 12.40 p.m. and 2.30 p.m. However, the complainant has

immediately informed the police and the name of the applicant is found in the FIR. MOreover, the applicant has been caught red-handed on the spot Moreover, the applicant has made an extra judicial confession to Fazal Ayub Khan that he had stabbed Murugan. Hence, even if there is delay in recording two seizure panchnamas, that would not shake the prosecution case.

5. It is further submitted that the statement of Murugan was recorded after five days after the incident. The learned A.P.P. has pointed out that Murugan was seriously injured. He had suffered stab injuries on chest, abdomen and other parts of body. The stab injuries were through and through and the condition of Murugan was critical. Hence, these statements could not be recorded early.

6. Lastly, it was submitted that learned counsel for the complainant that at about 8.35 p.m. he heard liftman ‘Anand Mama’ shouting. Hence, complainant rushed there. He has submitted that statement of ‘Anand Mama’ has not been recorded. However, again even if the statement of Anand has not been recorded that would not raise any doubt

about the prosecution case.

7. Looking to the injuries inflicted by the applicant and the fact that applicant was caught red-handed, I do not think that this is a fit case to grant bail.

8. Application is rejected. Trial in the present case has already been expedited by order dated 22.11.2003.

[V.K.Tahilramani, J.]